

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR JEFFERSON COUNTY)

Case No. 39S00-1303-MS- **187**

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Jefferson Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Criminal Rule 13. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Jefferson Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR39-CF2.2-CR-2 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Jefferson County Local Rule, LR39-CF2.2-CR-2, set forth as an attachment to this Order, is approved effective upon the date of this Order, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Darrell Maurice Auxier, Jefferson Circuit Court, 300 East Main Street, Madison, IN 47250-3537; the Hon. Alison T. Frazier, Jefferson Superior Court, 300 East Main Street, Madison, IN 47250-3537; to the Clerk of the Jefferson Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Jefferson Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 13th day of March, 2013.

Brent E. Dickson
Chief Justice of Indiana

LR39-CF2.2-CR-2

ASSIGNMENT AND REASSIGNMENT OF CRIMINAL CASES

Pursuant to Criminal Rules 2.2, 12 and 13, the Jefferson Circuit Court and the Jefferson Superior Court hereby amend Local Rule No. 2 to read as follows:

A. Except as hereinafter set forth, all misdemeanor cases shall be filed in the Jefferson Superior Court.

B. Any Title 35 offenses where the Defendant is under the age of eighteen shall be filed in the Jefferson Circuit Court. All class D felony non-support cases shall be filed in the Jefferson Circuit Court.

C. All other class D felonies shall be filed in the Jefferson Superior Court.

D. All murder and class A felony cases shall be filed in the Jefferson Circuit Court.

E. All other class B and class C felonies shall be filed randomly in either Court, with the Clerk choosing, by lot, which Court shall be selected.

F. Any criminal charge based upon the issuance of a protective order issued by either Court shall be filed in the Court that issued the protective order. Any criminal case against a person who has an unresolved case in either Court shall be filed in the Court where the first offense is pending, except murder and class A felony charges which shall be filed in the Jefferson Circuit Court.

G. Any cases which may be joined by statutes shall be treated as one case for purposes of determining which Court shall be selected. The highest charge filed shall determine selection.

H. The judges of the two courts shall retain authority to reassign cases between the courts whenever the workload of each Court, or convenience in handling the case, make such a reassignment judicially desirable.

I. When a motion for change of judge has been granted pursuant to Criminal Rule 12(B), or an order of disqualification or recusal has been entered, the Clerk shall assign a judge randomly from the following list:

1. Judge of the Scott Circuit Court
2. Judge of the Scott Superior Court
3. Judge of the Switzerland Circuit Court
4. Judge of the Jennings Circuit Court
5. Judge of the Jennings Superior Court
6. Judge of the Ripley Circuit Court
7. Judge of the Ripley Superior Court
8. Either judge of the Jefferson Circuit Court or the Jefferson Superior Court depending from whom the change has been taken.

J. In the event a case is dismissed and re-filed, the judge last having jurisdiction in the dismissed case shall be the judge in the new case.